

REMARKS

Reconsideration is requested of the 35 U.S.C. § 102(b) rejection of claims 1-3 and 7-14 as being anticipated by U.S. Patent No. 5,187,853 to Bardaville.

Regarding currently amended Claim 1, the examiner states that Bardaville discloses all the elements of Claim 1 including “at least one impression member (158, 160) spaced from the rear face (120) such that an outline is made, at least partially of the rear face when pressed against the wall (column 10 lines 33-58).”

It is respectfully submitted that projection members 158, 160 of Bardaville do not provide an outline of the rear face of the electrical apparatus for installing in the wall, but merely are impression points for marking the center of where a circular aperture cutter must be placed on the wall (See FIG. 21). Projection members 158, 160 of Bardaville have undesirable limitations that the present invention overcomes. For instance, since projection members 158, 160 of Bardaville do not define or outline the perimeter of the electrical apparatus that is to be installed in the wall, the aperture for the electrical apparatus could be cut too close to a stud or an adjacent wall apparatus. In addition, the point-like projection members 158, 160 of Bardaville give no indication of the size of the aperture that must be cut into the wall, which may result in installation errors by installers creating round apertures that are either too small or large for the electrical apparatus. The specification of Bardaville makes clear that the general locating of the electrical apparatus apertures “can be done by placing the housing 78

against the wall panel, as for example fragmentarily depicted at 228 of FIG. 21, as to have the points or tips 164-164 of projections 158 and 160 against the outer surface 230 of wall panel 228.” (See Column 10, Lines 44-58).

Bardaville does not teach, show, or suggest the pressing of an electrical box against an installed wall to outline at least two of the four corner of the rear face that is to be installed in the wall as stated in currently amended Claim 1. Rather, Bardaville teaches the use of general points for marking the center of where a circular aperture cutter must be placed on the wall to cut the needed aperture for the electrical apparatus.

Claims 2-7 depend from currently amended Claim 1 and provide further limitations. Claim 6 has been canceled for drawing purposes. It is axiomatic that if the broader independent claim is not anticipated or made obvious in light of the prior art, then neither are the dependent claims that append therefrom.

In reference to Claim 8, the examiner states that Bardaville discloses all the elements of the claim including the assertion “that a two-dimensional outline is made, at least partially, of the recessed portion when the impression member (158, 160) is pressed against the wall (column 10 lines 33-58).”

It is respectfully submitted that while a two-dimensional outline of impression members 158, 160 of Bardaville is made on the wall when the electrical apparatus is pressed there against, a two-dimensional outline is not made of the *recessed portion* of the electrical apparatus that defines an area that must be cut out of the wall. Projection members 158, 160 of

Bardaville have undesirable limitations that the present invention overcomes. For instance, since projection members 158, 160 of Bardaville do not define or outline the perimeter of the electrical apparatus that is to be installed in the wall, the aperture for the electrical apparatus could be cut too close to a stud or adjacent wall apparatus. In addition, the point-like projection members 158, 160 of Bardaville give no indication of the size of the aperture that must be cut into the wall, which may result in installation errors by installers creating round apertures that are either too small or large for the electrical apparatus. The specification of Bardaville makes clear that the general locating of the electrical apparatus apertures “can be done by placing the housing 78 against the wall panel, as for example fragmentarily depicted at 228 of FIG. 21, as to have the points or tips 164-164 of projections 158 and 160 against the outer surface 230 of wall panel 228.” (See Column 10, Lines 44-58). Bardaville does not teach, show, or suggest the pressing of an electrical box against a wall to outline at least partially the recessed member that is to be installed in the wall as stated in Claim 8.

Claims 9-13 depend from Claim 8 and provide further limitations. It is axiomatic that if the broader independent claim is not anticipated or made obvious in light of the prior art, then neither are the dependent claims that append therefrom.

The examiner has also rejected claims 4, 5, and 15-20 under 35 U.S.C. 103(a) as being obvious in light of U.S. Patent No. 5,187,853 to Bardaville.

It is respectfully submitted that claims 4, 5, and 15 are dependent claims based off independent claims that are believed to patentably define over Bardaville as stated above. It is

axiomatic that if the broader independent claim is not anticipated or made obvious in light of the prior art, then neither are the dependent claims that append therefrom.

Regarding currently amended Claim 16, the examiner admits that Bardaville lacks an electrical enclosure apparatus having four bounding side walls, but states that it would have been an obvious matter of design choice to change the cylindrical shape of the Bardaville apparatus to a rectangular shape.

It is respectfully submitted, however, that changing the cylindrical shape of the Bardaville apparatus to a rectangular shape would defeat the purpose of the cylindrical aperture cutting bit 238 of FIG. 21. More importantly, such change would teach against the purposes of projection members 158, 160 since projection members 158, 160 of Bardaville define the center point of the circular aperture that is to be cut into the wall and do not define or outline the perimeter of the electrical apparatus that is to be installed in the wall as defined in Claim 16. Additionally, using the projection members 158, 160 of Bardaville with a rectangular recessed portion of the electrical apparatus could result in the wall aperture being cut too close to a stud or an adjacent wall apparatus.

Claims 17-20 depend from currently amended Claim 16 and provide further limitations.

It is axiomatic that if the broader independent claim is not anticipated or made obvious in light of the prior art, then neither are the dependent claims that append therefrom.

Upon entrance of this amendment, claims 1-5, 7-20 remain in the application. Claim 6 has been previously canceled. Claims 1, 7, and 16 have been amended. No new claims have

been added.

The Office Action of April 22, 2005 has been reviewed and carefully considered. It is respectfully submitted that the present Response traverses or overcomes all bases of rejection, the Application is now in suitable form for allowance, and the claims as set forth are neither taught, suggested, nor rendered obvious by the references cited by the examiner.

The examiner is invited to contact Applicant's attorney at the number below if there are any questions.

Respectfully submitted,
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In the Drawings

No changes are made herein to the drawings, which are believed to be in suitable form for allowance.